



Substitute House Bill No. 5253

Public Act No. 10-180

**AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES
CONCERNING THE CRIMINAL JUSTICE SYSTEM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 53a-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) A person is guilty of failure to appear in the first degree when (1) while charged with the commission of a felony and while out on bail or released under other procedure of law, [he] such person wilfully fails to appear when legally called according to the terms of [his] such person's bail bond or promise to appear, or (2) while on probation for conviction of a felony, [he] such person wilfully fails to appear when legally called for [a violation of probation hearing] any court hearing relating to a violation of such probation.

(b) Failure to appear in the first degree is a class D felony.

Sec. 2. Section 53a-173 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) A person is guilty of failure to appear in the second degree when (1) while charged with the commission of a misdemeanor or a motor vehicle violation for which a sentence to a term of imprisonment may

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be imposed and while out on bail or released under other procedure of law, [he] such person wilfully fails to appear when legally called according to the terms of [his] such person's bail bond or promise to appear, or (2) while on probation for conviction of a misdemeanor or motor vehicle violation, [he] such person wilfully fails to appear when legally called for [a violation of probation hearing] any court hearing relating to a violation of such probation.

(b) Failure to appear in the second degree is a class A misdemeanor.

Sec. 3. Section 51-237 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

Each juror, duly chosen, drawn and summoned, who fails to appear shall [have committed an infraction] be subject to a civil penalty, the amount of which shall be established by the judges of the Superior Court, but the court may excuse [him] such juror from the payment thereof. If a sufficient number of the jurors summoned do not appear, or if for any cause there is not a sufficient number of jurors to make up the panel, the court may order such number of persons who qualify for jury service under section 51-217 to be summoned as may be necessary, as talesmen, and any talesman so summoned who makes default of appearance without sufficient cause shall [have committed an infraction] be subject to a civil penalty, the amount of which shall be established by the judges of the Superior Court. The provisions of this section shall be enforced by the Attorney General within available appropriations.

Sec. 4. Section 53a-137 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

The following definitions are applicable to this part:

(1) "Written instrument" means any instrument or article containing written or printed matter or the equivalent thereof, used for the

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purpose of reciting, embodying, conveying or recording information or constituting a symbol or evidence of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

(2) "Complete written instrument" means [one] a written instrument which purports to be a genuine written instrument fully drawn with respect to every essential feature thereof. An endorsement, attestation, acknowledgment or other similar signature or statement is deemed both a complete written instrument in itself and a part of the main instrument in which it is contained or to which it attaches.

(3) "Incomplete written instrument" means [one] a written instrument which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument.

(4) A person "falsely makes" a written instrument when [he] (A) such person makes or draws a complete written instrument in its entirety, or an incomplete written instrument, which purports to be an authentic creation of its ostensible maker or drawer, but which is not such either because the ostensible maker or drawer is fictitious or because, if real, [he] the ostensible maker or drawer did not authorize the making or drawing thereof, or (B) such person signs his or her own name to a written instrument, thereby falsely and fraudulently representing that he or she has authority to sign in such capacity.

(5) A person "falsely completes" a written instrument when (A) such person, by adding, inserting or changing matter, [he] transforms an incomplete written instrument into a complete [one] written instrument, without the authority of [anyone] any person entitled to grant it, so that such complete written instrument appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker or drawer, or (B) such person signs his or her own

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name to a written instrument, thereby falsely and fraudulently representing that he or she has authority to sign in such capacity.

(6) A person "falsely alters" a written instrument when (A) such person, without the authority of [anyone] any person entitled to grant it, [he] changes a written instrument, whether it be in complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter [,] or transposition of matter [,] or in any other manner, so that such instrument in its thus altered form appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker or drawer, or (B) such person signs his or her own name to a written instrument, thereby falsely and fraudulently representing that he or she has authority to sign in such capacity.

(7) "Forged instrument" means a written instrument which has been falsely made, completed or altered.

Sec. 5. Subsection (b) of section 54-76l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(b) The records of any such youth, or any part thereof, may be disclosed to and between individuals and agencies, and employees of such agencies, providing services directly to the youth, including law enforcement officials, state and federal prosecutorial officials, school officials in accordance with section 10-233h, court officials, the Division of Criminal Justice, the Court Support Services Division and an advocate appointed pursuant to section 54-221 for a victim of a crime committed by the youth. Such records shall also be available to the attorney representing the youth, in any proceedings in which such records are relevant, to the parents or guardian of such youth, until such time as the youth reaches the age of majority or is emancipated, and to the youth upon his or her emancipation or attainment of the age of majority, provided proof of the identity of such youth is submitted

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in accordance with guidelines prescribed by the Chief Court Administrator. Such records shall also be available to members and employees of the Board of Pardons and Paroles and employees of the Department of Correction who, in the performance of their duties, require access to such records, provided the subject of the record has been adjudged a youthful offender and sentenced to a term of imprisonment or been convicted of a crime in the regular criminal docket of the Superior Court, and such records are relevant to the performance of a risk and needs assessment of such person while such person is incarcerated, the determination of such person's suitability for release from incarceration or for a pardon, or the determination of the supervision and treatment needs of such person while on parole or other supervised release. Such records shall also be available to law enforcement officials and prosecutorial officials conducting legitimate criminal investigations. Such records disclosed pursuant to this subsection shall not be further disclosed.

Sec. 6. Section 54-193 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to any offense committed on or after said date and to any offense committed prior to said date for which the statute of limitations in effect at the time of the commission of the offense had not yet expired as of said date*):

(a) There shall be no limitation of time within which a person may be prosecuted for (1) a capital felony, a class A felony or a violation of section 53a-54d or 53a-169, (2) a violation of section 53a-165aa or 53a-166 in which such person renders criminal assistance to another person who has committed an offense set forth in subdivision (1) of this subsection, or (3) a violation of section 53a-156, as amended by this act, committed during a proceeding that results in the conviction of another person subsequently determined to be actually innocent of the offense or offenses of which such other person was convicted.

(b) No person may be prosecuted for any offense, [except a capital

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felony, a class A felony or a violation of section 53a-54d or 53a-169] other than an offense set forth in subsection (a) of this section, for which the punishment is or may be imprisonment in excess of one year, except within five years next after the offense has been committed.

~~[(c)]~~ (c) No person may be prosecuted for any [other] offense, [except a capital felony, a class A felony or a violation of section 53a-54d or 53a-169] other than an offense set forth in subsection (a) or (b) of this section, except within one year next after the offense has been committed.

~~[(c)]~~ (d) If the person against whom an indictment, information or complaint for any of said offenses is brought has fled from and resided out of this state during the period so limited, it may be brought against such person at any time within such period, during which such person resides in this state, after the commission of the offense.

~~[(d)]~~ (e) When any suit, indictment, information or complaint for any crime may be brought within any other time than is limited by this section, it shall be brought within such time.

Sec. 7. Section 53a-156 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A person is guilty of perjury if, in any official proceeding, [he] such person intentionally, under oath, makes a false statement, swears, affirms or testifies falsely, to a material statement which [he] such person does not believe to be true.

(b) In any prosecution for an offense under this section, it shall be an affirmative defense that the actor was coerced into committing such offense by another person in violation of section 53a-192.

~~[(b)]~~ (c) Perjury is a class D felony.

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